IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

Crl.Rev.Pet.No. 2834 of 2007()

S.T. CASE NO. 524 OF 2005 OF THE J.F.CM. -II (MOBILE)KOTTAYAM

REVN. PETITIONER: COMPLAINANT

JOSEPH KOOLA RAPHEL,
MULACKAL HOUSE, MATTAMKARA, CHANGANACHERRY.

BY ADV. SRI.G.SUKUMARA MENON

RESPONDENTS: ACCUSED

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1. MADANAN.C.,
ANAPATHIL CHIRA, CHEMPUMPURAM,
NEDUMUDI, ALAPUZHA.

2. STATE OF KERALA REPRESENTED BY THE
PUBLI PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.K.S. SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 01/08/2007, THE COURT ON 06/08/2007 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl. R.P. No. 2834 of 2007

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Dated, this the 6th day of August 2007

ORDER

The revision petitioner who is the complainant in S.T. Case No. 524 of 2005 on the file of J.F.C.M -II (Mobile) Kottayam for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, challenges the order dated 30-3-2007 passed by the Magistrate dismissing his complaint under Sec. 204 (4) Cr.P.C.

2. It was consequent on the failure on the part of the revision petitioner to pay process fee for taking steps under Sections 82 and 83 Cr.P.C. that the Magistrate was constrained to dismiss the complaint. No process fee was paid even after adjournment of the case. The revision petitioner, therefore, has to be put on terms. In as much as the dismissal of the complaint was before the appearance of the accused before the Magistrate, notice to the first respondent accused in this revision is dispensed with.

3. The revision petitioner will be entitled to restoration of his complaint only on payment of costs. Accordingly, the impugned order will stand set aside and the complaint will stand restored to file if the revision petitioner deposits before the court below a sum of Rs.

1,000/- (Rupees one thousand only) by way of costs payable to the accused as and when he appears. The cost shall be deposited within one month from today failing which the impugned order will stand revived and this revision will stand dismissed.

The revision petitioner shall appear before the court below without any further notice on 10-09-2007.

V. RAMKUMAR,
(JUDGE)

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